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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,246	07/27/2001	Kevin J. Dowling	C01104/70074	8927

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EXAMINER

PHILOGENE, HAISSA

ART UNIT PAPER NUMBER

2821

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,246

Applicant(s)

DOWLING ET AL.

Examiner

Haissa Philogene

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-- Th MAILING DATE of this communication appears on the cover sheet with th correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 14-21, 23, 25-27, 29-55, 57--59, 61-93, 95-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 14-17, 19-21, 23, 25-27, 37-41, 46-55, 57-59, 69-74, 79-93 and 100-103 is/are rejected.
- 7) ☒ Claim(s) 18, 29-36, 42-45, 61-68, 75-78, 95-99 and 104-107 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-10, 14-17, 19-21, 23, 25-27, 37-41 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniels, Patent No. 5,305,013, cited by Applicant. As per claims 1 and 10, Daniels discloses in Fig.3 a color-changing device 20 and method thereof comprising an enclosure 30 inherently formed at least in part by an at least partially transparent material since it can a screen made of clear glass to provide graphical display, an illumination device formed of at least one LED-based light source (items 41-48) disposed within the enclosure 30 and configured to illuminate said material and to generate at least two colors (green, amber), and said at least one LED-based light source formed of LEDs 41-48 which are bicolor LEDs capable of outputting at least first radiation having a first wavelength and second radiation having a second wavelength since the LEDs can have different electromagnetic radiations with different wavelengths depending primarily on the materials from which they are made; and a controller 86 to control the at least one LED-based light source. As per claims 2 and 3, Daniels discloses the device including at least one computer accessory such as disk drives 51-58.

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As per claims 4 and 5, Daniels discloses the graphical display icon 30 situated in front of a computer system which is made of an inherent material capable of being transparent or translucent such as clear glass which has the characteristic of reflecting light.

As per claims 8 and 9, Daniels discloses the controller 86 receiving input from a disk drive interface network 82 and capable of receiving input from a user to determine activity or error status of the disk drives within the enclosure.

As per claim 21, Daniels discloses the illumination device (41-48) configured to project patterns or symbols onto the enclosure or graphical display 30.

As per claim 23, Daniels discloses the LED-based light source (41-48) capable of including different number of colors (see Col.2, lines 51-55).

As per claims 25-27, Daniels discloses the controller 86 to control the at least one LED-based light source 41 so as to vary a color from green to amber as perceived by an observer depending on the status of the disk drive, and to project patterns or symbols onto the enclosure or graphical display 30, and to set an inherent repetition rate of a single color green or amber projected onto the enclosure 30.

As per claim 37, Daniels discloses the controller 86 to control the LED-based light source in response to at least one signal provided by at least one inherent user interface device such as keyboard, mouse, monitor when used in the computer system.

As per claim 38, Daniels discloses the controller 86 to control the LED-based light source in response to at least one video signal (bits) from the disk drive interface 82.

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As per claim 39, Daniels discloses the color-changing device including a computer system having the enclosure 30 (see Col.1, lines 7-8).

As per claim 40, Daniels discloses the controller 86 to control the LED-based light source in response to information received by the computer from the disk drive interface 82.

As per claim 41, Daniels discloses the controller 86 to control the LED-based light source so as to indicate representations of multiple pieces of information received by the computer on different portions of the enclosure (disk drives (51-58)) to the LEDs (see Col.3, lines 6-12).

As per claim 46, Daniels discloses the controller 86 to control the at least one LED-based light source 41 in response to at least one signal provided by at least one inherent user interface device such as keyboard, mouse, monitor when used in the computer system or a network interface 82.

As per claim 14, Daniels discloses in Fig.4 a method for changing the color of a device 20 comprising the steps of: generating an input signal from the disk drive interface 82; generating a control signal from the controller 86 through a driver to the LEDs; controlling with controller 86 a lighting system (41-48) via the control signal; said lighting system including at least one LED-based light source 41 capable of outputting at least first radiation having a first wavelength and second radiation having a second wavelength since the LEDs can have different electromagnetic radiations with different wavelengths depending primarily on the materials from which they are made; and arranging the lighting system (41-48) as shown to illuminate the enclosure 30.

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As per claims 15-17, Daniels discloses the controller 86 in a computer system which can inherently receive input signal through a user interface such as keyboard and said user interface being a graphical user interface since the enclosure is providing graphical display.

As per claims 19 and 20, Daniels discloses the controller 86 in a computer system which receives a signal being an information signal from the disk drive interface 82.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-55, 57-59, 69-74, 79-93 and 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniels in view of Blonder, Pub. No. 0564127, cited by Applicant.

As per claims 47, 84 and 91, Daniels discloses the claimed invention substantially as explained above except for the illumination device configured to illuminate at least a portion of the surface of an enclosure with a variable color light such that during operation of the at least one illumination device, at least the portion of the enclosure appears to have a variable color to an observer viewing the enclosure from outside the enclosure. Blonder discloses a color-changing apparatus 2 having an illumination device L1 configured to illuminate at least a portion of the surface of an enclosure 4 with a variable color light such that during operation of the at least one illumination device,

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i.e. when voltage is applied, at least the portion of the enclosure 4 appears to have a variable color (different color pigment red, blue and yellow) to an observer viewing the enclosure from outside the enclosure (see Col.1, line 31 and Col.3, lines 30-52). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the color-changing enclosure as taught by Blonder into the Daniels type apparatus, because it would allow signaling observable by the hearing impaired and enhanced aesthetic quality, thereby improving the efficacy of the system. As per claims 48-52 and 85-89, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Daniels discloses the at least one illumination device 41 configured to illuminate the surface of the enclosure 30 with a single color at a given time depending primarily on the status of the disk drive; said illumination device readable as backlighting the enclosure 30, said enclosure 30 readable as being transparent or translucent as it provides a graphical display; and said at least one illumination device 41 being disposed within the enclosure 30 to project patterns or symbols onto the enclosure for graphical display.

As per claims 53 and 90, Daniels in view of Blonder discloses the claimed invention substantially as explained above. In addition, Blonder discloses the illumination device (8,10, 12) including fiber optic strands (see Col.3, lines 37-41).

As per claims 54, 55 and 92, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Daniels discloses the at least one illumination device 41 including at least one LED-based light source (see Fig.4) which can include a different number of colors (see Col.2, lines 53-55).

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As per claims 57-59 and 93, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Daniels discloses the controller 86 to control the at least one LED-based light source 41 so as to vary a color from green to amber as perceived by an observer depending on the status of the disk drive, and to project patterns or symbols onto the enclosure for graphical display, and to set an inherent repetition rate of a single color green or amber projected onto the enclosure 30.

As per claim 69-74 and 100-103, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Daniels discloses the controller 86 in the computer system to control the at least one illumination device 41 in response to at least one inherent signal through a user interface device such as keyboard, or to at least one video signal (bits) from the disk drive interface 82. In addition, Daniels discloses the apparatus including a computer system having the enclosure 30.

Furthermore, Daniels discloses the controller 86 in the computer system to control the at least one illumination device 41 in response to information received by the computer through the keyboard; said at least one illumination device 41 including at least one LED-based light source (see Fig.4); and said controller 86 to control the at least one illumination device 41 so as to indicate representations of multiple pieces of information received by the computer on different portions of the enclosure (disk drives (51-58)) to the LEDs (see Col.3, lines 6-12).

As per claims 79 and 81, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Blonder discloses the apparatus 2 being a telephone appliance or an electronics device (see Fig.1).

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As per claims 80, 82 and 83, Daniels in view of Blonder discloses the claimed invention substantially as explained above. Further, Daniels discloses said at least one illumination device 41 including at least one LED-based light source (see Fig.4) and the electronics device being a computer.

Allowable Subject Matter

Claims 18, 29-36, 42-45, 61-68, 75-78, 95-99 and 104-107 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (703) 305-3485. The examiner can normally be reached on 6:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7722 for regular communications and after Final communications. The fax number for the examiner is (703) 746-4054.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

hp
July 13, 2003

Haissa Philogene
Primary Examiner
A.U. 2821
